

UNITED STATES BANKRUPTCY COURT  
IN THE MATTER OF:

EASTERN DISTRICT OF WISCONSIN  
Chapter 13

JOSEPH JACKSON AND  
BRENDA VALENTINE JACKSON  
Debtors.

Case No. 13-23392 pp

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NOTICE AND REQUEST TO MODIFY CHAPTER 13 PLAN

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The Debtor in the above captioned case, whether one or more, has filed papers with the court requesting modification of the Chapter 13 Plan in the above case.

**Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)**

If you do not want the court to modify the plan as proposed, or if you want the court to consider your views on the request, then on or before 21 days after service of this notice, you or your attorney must:

File with the court a written request for hearing which shall contain a short and plain statement of the factual and legal basis for the objection. File your written request at:

Clerk of the Bankruptcy Court  
517 E. Wisconsin Avenue  
Room 126  
Milwaukee, WI 53202-4581

If you mail your request to the court of filing, you must mail it early enough so the court will **receive** it on or before the date stated above.

You must also mail a copy to:

Benjamin Payne  
Hanson & Payne, LLC  
740 N. James Lovell  
Milwaukee, Wisconsin 53233

If you or your attorney do not take these steps, the court may decide that you do not oppose the request and may enter an order modifying the Plan.

### REQUEST TO MODIFY CHAPTER 13 PLAN

1. The Proponent of this modification is:

  X   The Debtor;

       The Chapter 13 Trustee (post-confirmation modifications only);

       The holder of an unsecured claim (Name:                                 ) (post-confirmation modifications only).

Name:   

2. This is a request to modify a Chapter 13 Plan (Select A. or B.):

A.        post-confirmation;

B.   X   pre-confirmation (Select i. or ii.);

i.        Debtor(s)/Debtor(s) attorney certifies that the proposed modification does not materially adversely affect creditors (Local Bankruptcy Rule 3015(b)); or

ii.   X   Debtor(s)/Debtor(s) attorney certifies that the proposed modification materially adversely affects only the following creditors and a copy of the proposed modification has been served on them (Local Bankruptcy Rule 3015(b)). The creditors affected are: (Enter Creditors)

Real Time Resolutions, Inc.

3. The Proponent wishes to modify the Chapter 13 Plan to do the following:  
(State generally the purpose of the modification.)

To improve the treatment of the claim secured by property located at 7773 N. 60<sup>th</sup> St., to explicitly state that the second mortgage on the property located at 7911 W. Beechwood Ave. is wholly unsecured, to devote future proceeds of a legal claim into the Plan, to explicitly state that the Debtors will pay all post-petition condo association fees/assessments, and to improve the treatment of the claim secured by property located at 7773 N. 60<sup>th</sup> St.

4. The reason(s) for the modification is/are: (State the reasons for the modification.)

5. Select A. or B.

A.        The Chapter 13 Plan confirmed or modified on                      is modified as

follows: (State the specific language of the modification.)

B.   X   The unconfirmed Chapter 13 Plan dated April 8, 2013 is modified as follows:

Strike Paragraph 2b of the Special Provisions and replace with the following:

“Bank of America, its successors and assigns (“BOA”): BOA holds a mortgage on property located at 7773 N. 60th St., in Milwaukee, WI, securing a claim of approximately \$60,600. The secured claim of BOA shall be valued under 11 U.S.C. § 506(a) at \$15,600 as of the date of confirmation of the Plan. If BOA disputes the value of the collateral stated above, it must timely file an objection to confirmation, or the value stated by the Debtors will be determined to be the value of the collateral. The balance of the claim shall be treated for all purposes as an unsecured claim. The secured portion shall be paid in 60 installments of \$296.18 (\$15,600 amortized over 5 years at 5.25% interest per annum).”

Add the following to Paragraph 2 of the Special Provisions:

“e. Real Time Resolutions, Inc., its successors and assigns (“RTR”), holds a junior mortgage on property located at 7911 W. Beechwood Ave., in Milwaukee, WI, securing a claim of \$39,477.87. The secured claim of RTR shall be valued under 11 U.S.C. § 506(a) at \$0.00 as of the date of confirmation of the plan. If RTR disputes the value of the collateral stated above, it must timely file an objection to confirmation, or the value stated by the Debtors will be determined to be the value of the collateral. The balance of the claim shall be treated for all purposes as an unsecured claim.”

Add the following language to the Special Provisions:

“7. The Debtors have a wrongful termination/discrimination claim pending against the Housing Authority of Georgetown (the “Legal Claim”). The Debtors will pay ½ of the net recovery on the Legal Claim into the Plan to be distributed as an additional dividend to

unsecured creditors, subject to the provisions of Paragraph 1 of the Special Provisions.”

Add the following language to the Special Provisions:

“8. The Heathers Owners Association, Inc. The Debtors will make all post-petition condo association fees/dues/assessment payments owed to the Heathers Owners Association, Inc., directly to the Heathers Owners Association, Inc.”

All remaining terms and provisions of the Plan are unaffected unless specifically addressed herein. In the event of a conflict between the original Plan and the modification set forth above, the latter shall supersede and control.

6. **BY SIGNING BELOW THE PROPONENT OF THE MODIFICATION CERTIFIES THAT, AFTER REVIEW OF THE MODIFICATION AND ALL OTHER TERMS AND PROVISIONS OF THE PLAN, THOSE REMAINING TERMS AND PROVISIONS OF THE PLAN ARE CONSISTENT WITH THE PROPOSED MODIFICATIONS.**

#### **CERTIFICATION**

I Benjamin Payne, attorney for Debtor(s), certify that I have reviewed the modification proposed above with the Debtor(s), and that the Debtor(s) has/have authorized me to file it with the court.

/s/ Benjamin Payne  
Counsel for Debtor(s)

7/19/13  
Date

WHEREFORE, the Proponent requests that the court approve the modification to the Chapter 13 Plan as stated herein.

Dated: 7/19/13  
at Milwaukee, Wisconsin

Attorneys for Debtors  
By: Benjamin Payne  
Bar No.: 1041478